**DRAMATIC CHANGES:**

**A Toolkit to Producing Stage Works on College Campuses in Turbulent Times**

**By**

**The Dramatists Legal Defense Fund**

**I. INTRODUCTION**

It has long been assumed that theater functions differently in the culture than other elements of the entertainment industrial complex, that theater at its best could, and even should, make people uncomfortable, if only briefly, before they return to their comfort zones and usual routines. That assumption may be in danger of becoming obsolete for modern educational institutions.

* What does the notion of a safe space mean and whom does it serve?
* How can you resolve potential conflicts between such safe spaces and creative/academic freedom?
* How do stakeholders on college campuses resolve the tensions which have arisen between the values of free expression on the one hand, and the overdue imperative to advance values of diversity, equity, and inclusion on the other?

These are the questions that this document attempts to explore, while providing practical guidance and observations about the challenging process of presenting theatrical productions on college campuses today.

**II. BACKGROUND**

 *“Point Park University cancelled its production of Joshua Schmidt and Jason Loewith’s Adding Machine: A Musical after students expressed concerns over racist views in the show. In a three-hour town hall to discuss the matter students stated it was not clear enough the show was mocking the characters with racist sentiments and there was a lack of trigger warnings.”*

When the Dramatists Guild established the Dramatists Legal Defense Fund (the “DLDF”), part of its mission was to support and advocate for free expression in the theater. This it did, with gusto, pushing back against cancellations at community theatres, professional theatres and schools across the country.

The DLDF helped students move a school production of John Cariani’s play *Almost Maine* to a local theater in North Carolina, when the principal cancelled it because, in one of its scenes, the play suggests that two men have fallen in love, though they never touch. The Fund also supported a successful student-led initiative to get a cancelled production of *Rent* rescheduled and presented at a high school in Connecticut. Another group of students we supported had created a dramatic work based on letters home from soldiers who fought in Iraq, but the play was cancelled for being “too upsetting” for the community.

Time after time, we have seen students and teachers forced to fight back against their administrations and vocal members of their own community for their right to express themselves through theater. But more recently, we have seen a growing number of schools cancelling productions in response to pressures from their own students who experienced the content, language, or casting of the production as insensitive at best, traumatic at worst.

*“A group of University of California, Santa Cruz students protesting how people of color were represented in a play on campus took the stage Friday during the opening night of the aptly named ‘What in the World?’ and refused to leave until the performance was cancelled.”*

The event at UC Santa Cruz raises many questions, including what was in the play that provoked students to take such an extreme action, and what is the proper response to both the play’s content and to the students’ response. From the playwright’s perspective, and on the most fundamental level, it could be argued that what provoked the students’ response was beside the point. This view could lead one to conclude that the students who stormed the stage should have been disciplined, and—depending on the level of physical threat which they posed— even arrested. But the playwright’s perspective is not the only one that demands consideration.

As the incidents on the campuses at Point Park and Santa Cruz indicate, the societal value of free expression is now being confronted by a phenomenon with a different set of circumstances than it has previously faced, with new social pressures requiring a balancing of legitimate but competing interests. Clearly, there were nuances that needed to be considered before the DLDF could respond to these events in a thoughtful and constructive way.

**III. THE PLAN**

The Dramatists Guild and the DLDF are advocates for writers so, in our view at least, the show must always go on. That said, in order to address the many compelling concerns raised by the issue of school cancellations, the DLDF formed a working group of educators, activists, non-profit groups, and dramatists to study the problem.

The “CC Working Group” (as we called ourselves, for want of a better name) included:

* Peter Bonilla, *Foundation for Individual Rights in Education*
* Michael Chemers, *University of California, Santa Cruz*
* Tomé Cousin, *Carnegie Mellon*
* Lydia Diamond, *Dramatists Legal Defense Fund*
* Jonathan Friedman, *PEN America*
* Gregg Henry, *Kennedy Center*
* Michael R. Jackson, *Dramatists Guild of America*
* Lisa Kron, *Dramatists Guild of America*
* Svetlana Mintcheva, *National Coalition Against Censorship*
* Ralph Sevush, *Dramatists Legal Defense Fund*
* Amy VonMacek, *Dramatists Legal Defense Fund*
* John Weidman, *President, Dramatists Legal Defense Fund*

Our group spent over two years examining a series of case studies, to see how and why these college cancellations occurred, to see where the key moments were in the process that caused the cancellation, to see what they had in common and determine what worked and what did not. These interviews and analyses have led us to develop recommendations for “best practices” and have allowed us to create this toolkit of resources available to help all of the stakeholders on college campuses navigate their way to an opening night that is safe and satisfying for all concerned.

**IV. LEGAL CONTEXT**

Before we could discuss the play production process, the group needed to consider the various legal issues raised by college cancellations. An understanding of these issues would serve to place the matter in a context where reasonable solutions could be found.

**A. Right to Protest**

First of all, the same First Amendment that gives an author the right to write and present a play to the public also gives the public the right to protest it. Any suppression of one right allows and validates the suppression of the other, too. Historically, suppression of speech is a tool that has been used, often brutally, against the interests of the most vulnerable segments of any society. So, while nobody should be leading anybody off in handcuffs for exercising their fundamental rights, activist groups advocating on behalf of vulnerable communities should be careful about endorsing or employing such historically incendiary tools.

The right of protest is legally subject to reasonable “time, place and manner” restrictions that prevent protestors from obstructing the artists’ rights of free expression and the public’s right to listen and see for themselves. A person exercising their right of free expression is not permitted to prevent another person from exercising theirs. Instead, as a society we must find a reasonable balance, so all views have an opportunity to be expressed and to be heard.

**B. Equal Protection vs .Free Expression**

Consider this: both free expression and the right to own a copyright are constitutional rights. These rights sometimes conflict. When an author is given exclusive ownership and control over their expression (i.e., a copyright), they are, by definition, limiting the right of others to use it. This conflict is resolved by the doctrine of “fair use”, which acts as a First Amendment safety valve in the Copyright Act, allowing certain uses of copyrighted material for certain purposes.

Similarly, free expression and equal protection under the law are constitutional rights and values. They, too, can come into conflict. For example, the law recognizes a right to equal employment opportunities for “protected classes” of people, based on race, gender, sexual identity, religion and ethnicity. But dramatists also have a right of free expression, allowing them to incorporate stage directions in their plays that effect casting. If dramatists require that their characters appear to an audience to have certain characteristics (whether based on height, weight, gender, group identity, or otherwise), then casting on that basis, at least as a factor in the decision, is not deemed a violation of equal protection.

Beyond casting, there is the issue of a play’s potentially controversial or uncomfortable content and subject matter. The constitutional guarantee of free expression grants anyone the right to write on any subject, no matter how offensive it may be. Neither the First, nor the Fourteenth Amendments grant a constitutional right not to be offended.

That said, legal principles do not address power structures still operating in which the dominant sector(s) of a culture has the decision-making authority to plan the theatrical productions on a college campus. And if such an authority presents a play on a campus that uses language, or represents characters, or expresses ideas that are disturbing, perhaps even traumatizing, for historically oppressed people in the audience who have been given no warning, and who have had no say in the selection of the work being produced, and have no forum to object, then this situation can be explosive and will serve no one – not the campus community, not the author, not the society at large.

**C. Compelled Speech**

The law does not permit governmental actions that compel speech (like loyalty oaths). However, when you cast a play, the actor is required to speak their lines and inhabit a character. This form of “compelled speech” does not violate any law. Student actors may be asked to portray roles and speak lines in their school production with which they fundamentally disagree or by which they feel threatened. They may be compelled to participate by their teachers or administrators, at the risk of losing their scholarships, or compelled to abandon the project if they feel threatened or coerced by their fellow students who object to the production.

There have been times in our history when students have aggressively challenged the content of the courses they were being taught. But even during those times, the majority of educators continued to believe that their pedagogy needed to challenge the worldviews of their students and require them to examine their preconceived notions. And any drama teacher would have said that embodying the role of a character who is very different from yourself (even one you don’t like) is an essential aspect of the craft of “acting”, and that doing such work increases empathy, which is a fundamental value of theater in a society.

But these times are not those times, and what is happening now on college campuses, on college stages and in college theater departments, presents a complex challenge: How do colleges mount a robust defense of the constitutional right of free expression while at the same time acknowledging and embracing the legitimate claims of historically marginalized and disempowered peoples?

**D. Academic Freedom**

The academic freedom of faculty on a college campus has a legal basis in First Amendment law, as well. In the case of *Keyishian v. Board of Regents* (1967), the Court held that *“[o]ur Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that “cast a pall of orthodoxy over the classroom*.”

More broadly speaking, the notions of academic freedom that are set forth in the American Association of University Professors (AAUP)’s 1940 *Statement of Principles on Academic Freedom and Tenure* have formed the common law basis of academic freedom for faculty in institutions both public and private, protecting their rights in teaching, research, publication, and expression in their capacities as citizens.

But here again we see a conflict of legitimate interests. If an educational institution values academic freedom (as it is legally required to do), then it may have a concomitant obligation to create a diverse faculty, drawn from diverse backgrounds, to present a wider range of ideas than may be currently available in that school’s theater department.

In addition to a more diverse faculty and administration, the department may also have an obligation to implement processes for play selection and production that respects academic freedom while recognizing the needs of their students.to have a safe environment in which to live and grow.

***The following sections will take you through the play production process on campus and offer advice on the key questions raised by it.***

**V. PRODUCING A PLAY ON CAMPUS**

This portion of the guide attempts to walk through the various stages of a theatrical production, from the initial selection of a work to the performance of the work and the response to it. It seeks to identify areas where concerns and controversies may arise, and to suggest ways that these issues can be proactively engaged so that they do not instigate objections to a production further down the line.

Importantly, this is not a one-size-fits-all guide. Theater programs differ widely in their composition, and each has a different relationship to their institutions and communities. Those affiliated with a particular program, whether students or faculty, performers, designers, crew members, or directors, will better know the particular circumstances that stand to affect a given production or department. They may have faced some of these challenges in past productions and worked out their own solutions to the satisfaction of all involved. There’s no substitution for hard-won experience, and no reason it shouldn’t directly inform your processes going forward. (Conversely, a record of what *hasn’t* worked in your past experiences should factor in as well!)

This portion of the guide breaks down into five sections: 1) selecting works, 2) casting and staffing, 3) rehearsal, 4) performance, and 5) post-production. Each section is framed significantly by questions we believe departments and production staff can benefit from asking themselves. These are questions that can be productive to ponder for participants at all levels of the process—students, faculty, and staff alike. Areas where answers differ among the various stakeholders may point to areas where communication can be improved, or where there may be more fundamental disagreements or misunderstandings in need of addressing.

1. **Selecting works for production**

Many of the controversies our group has observed taking place in collegiate theater productions in recent years can trace themselves all the way back to a work’s selection for production. While sometimes objections are raised to the content of the material selected, these objections are often intertwined with questions or criticisms about the process by which the works are selected, and how the selection decisions are communicated.

* *What is the process by which works are selected?*

There are numerous ways by which performing arts departments select their works, and this guidance does not advocate for any particular one. In some departments, programming decisions are made predominantly by the faculty, while in others students play a more significant part in the process; indeed, in some cases a student’s input may be determinative. That being said, two common critiques we have encountered are that students (1) feel the selection process too often discards their input without meaningful explanation, and that (2) the process is opaque to them. The next two questions address these in turn.

* *How transparent is the selection process?*

Whatever a department’s process is, we believe it is valuable for that process to be clearly communicated to students, and to exist in written form in a manner that can be quickly and easily referenced. Such a written description of the selection process might include:

o How the department’s ability to stage certain works is evaluated, including how the demographics and credit requirements of the student performers are considered

o Explanations for why works are selected, as well as why other works under consideration for production may not be selected

* *How open is the selection process?*

This is different from asking how transparent the selection process is. The question of a process’ *openness* is a question of how much participation the various stakeholders in the department, including the students, have in the overall process. While the final selections for production are, generally speaking, a matter of the faculty and department’s academic freedom, opening the process to allow, for instance, students to propose works for consideration, or for town-hall style meetings where various works under consideration can be openly discussed, can give students a greater investment in the process overall, and also provide a better understanding of the thinking behind the department’s ultimate decisions.

* *Does evaluating works’ potentially difficult, controversial, or traumatic content factor in at this stage of the selection process?*

Not every potential controversy regarding a work’s content can be forecast in advance, but a number of productions have been blindsided by issues it wasn’t prepared for and lacked a strategy to constructively address. Whether in discussing a new or contemporary work’s provocative content or in weighing an older work’s archaic treatment of certain topics, the selection stage is a good place to initiate conversations among faculty and students over how to treat certain subject matter if it is selected for production. These are conversations that can be returned to throughout the course of the work’s production. They may also help inform, among other things, supplementary programming or materials the department can produce to help contextualize works as needed.

* *Are norms of academic freedom and free expression well-established in the department?*

Performance is a particular kind of expression that can have a special impact, but it is also, at bottom, an act of free expression deserving strong protections, even when it isn’t successful in achieving its goals or its content proves objectionable to some viewers.

As the AAUP policy statement on “Academic Freedom and Artistic Expression” notes:

 *“Works of the visual and performing arts are important both in their own right and because they can enhance our experience and understanding of social institutions and the human condition. Artistic expression in the classroom, studio, and workshop therefore merits the same assurance of academic freedom that is accorded to other scholarly and teaching activities. Since faculty and student artistic presentations to the public are integral to their teaching, learning, and scholarship, these presentations no less merit protection.”*

Nearly all institutions maintain some kind of affirmative statement on free expression and/or academic freedom. Public universities, furthermore, are bound by the First Amendment, and multiple Supreme Court cases from over the years have clearly established that speech on college campuses may not be censored by institutions simply for the level of offense it may cause.

The notions of academic freedom are set forth in the AAUP’s 1940 *Statement of Principles on Academic Freedom and Tenure.*  There is a significant likelihood that your institution, if it has not adopted the AAUP statement, nonetheless maintains a statement drawing on its wisdom.

While it will not solve every content-related controversy likely to arise, an institutionalized understanding of these principles and their applicability to the artistic enterprise can help ground discussions and put such controversies in larger context.

* *What has been the experience of other programs producing the work that your program currently has under consideration?*

Especially in the case of productions with particular content challenges, programs may be well served by conferring with other programs that have produced certain works and discussing how their production teams addressed the challenges involved. This can include discussions of which, if any, portions of the work proved particularly challenging, where extra time may have been devoted to navigating those challenges, and what approaches the team found successful, or not. Professional companies that have also produced the works in question likewise can be a source of wisdom.

1. **Casting and staffing productions**

Departments face all kinds of challenges casting works and have numerous different considerations and requirements of which they must be mindful. Some works are selected for production specifically as a showcase for a particular actor or set of actors; some require all departmental majors to audition regardless of the roles to be filled; others have students for whom casting in a minimum number of parts is required for graduation; some roles may be assigned without any formal audition process; and so on.

University theater departments face certain constraints in casting that professional theater companies do not face or at least not in the same way and to the same extent. It is, to say the least, difficult to satisfy all parties under these conditions—and that’s before we even get to the issue of staffing the production with directors, designers, and crew members.

Despite the wide variety of casting and staffing setups and challenges facing departments, considering answers to a few common questions may help navigate this process a little bit more smoothly, especially for more difficult works.

* *Is the program realistic about its ability to cast certain productions?*

This is a basic point, but departments should be aware of exactly what their casting needs are at the outset and have realistic expectations about their ability to fulfill them. This means taking into account not only the constitution of its body of student performers, but also the local community of performers, in the event that the program holds more public auditions. While unforeseen casting challenges are commonplace, a department should be reasonably confident in its ability to cast a show when it selects it for production and have a plan in place for when casting particular roles proves difficult.

* *Where are casting requirements flexible and where are they inflexible?*

Many roles are written to be played by actors of a specifically defined race or gender, while other roles allow for more flexibility, and programs should be conscious of where they may have flexibility in the face of unforeseen casting challenges. Creators will have different ideas on this as well. Some provide strict guidance on casting their works and won’t let productions deviate from it, while others give productions total freedom to cast their works as they choose. The direct input of the creator, if available, can be invaluable.

* *Does the production’s director come from within the department, or are they hired from outside?*

This is an important question which may have significant consequences, especially when departments hire outside professionals to direct productions, because outside professionals will have less familiarity with the dynamics and culture of a department than would departmental faculty and staff. Further, they will likely have their own ideas about shaping a production, including its treatment of difficult content. When hiring from outside the department, it is worth both imparting the department’s wisdom on handling such content, as informed by its past experiences, and to get to understand the director’s views in this area as well. Soliciting input from students, if not officially involving them in the search and hiring process, will also be valuable.

* *If a work slated for production has certain particularly difficult requirements or content, are performers aware at this stage?*

Again, no department can forecast every conceivable issue performers can have with material, but its advance research can be helpful in preparing for these challenges by anticipating where and how they may occur. This preparation can come from measures like simply ensuring that departmental leadership is familiar with all works being produced, and also from conversations with departments or programs at other institutions that have staged the works. Departments can also make whole copies of the works available for their students before the casting process begins, and give descriptions of potentially difficult content or requirements in casting notices and at auditions.

* *Is experimental casting central to the artistic vision of a particular production?*

How productions are cast, and in particular how certain roles might be recast across cultural lines, is a subject that has become more visible and pressing in recent years.

That being said, casting works nontraditionally is a common practice which has the potential to show a work’s central conflicts in a different light or offer commentary on a work (or the period in which it was written), by subverting its central themes and roles. Shakespeare and the ancient Greeks have been endlessly reinterpreted this way, but more contemporary works have been re-illuminated in this fashion as well (subject to the author’s approval). Other works, *Hamilton* being only the most prominent example, can use their casting to re-contextualize and reclaim whole eras. And other works might confront cultural controversies (e.g., the historical casting of white actors in nonwhite roles) by directly employing the practice they are critiquing.

The college theatre can provide fertile ground for such experimentation, though to repeat an earlier point, programs should be confident that they would be able to cast such productions in ways that serve its vision, and should have a clear vision, one which can be easily articulated to others, about the production’s mission.

1. **The rehearsal process**

A number of productions have been derailed by tensions that set in during the rehearsal process and were not proactively addressed, giving what could be minor issues the potential to overwhelm whole productions. Of course, a production need not have difficult material for dysfunction to set in and drive it to the breaking point. Nonetheless, recent experience has included a number of productions that broke down due to disagreements over content and presentation which only arose after rehearsals had begun.

* *What opportunities do the cast, crew, and director have to discuss the material before the start of rehearsals?*

Some productions might have the luxury of being cast and staffed several months before the beginning of rehearsals. Others will work on a much tighter timetable, and it may not be practicable to bring whole teams together before the beginning of rehearsals. Still, with platforms like Zoom having become widely utilized in the last couple of years, the bar for connecting production teams has been lowered considerably. The earlier conversations about the process and the material can begin, the better.

* *What is the plan for the first day of rehearsal?*

In many productions, the first day of rehearsal assembles the entire company for a read-through of the entire work and discussion. This is the ideal place to invite participants to register their thoughts and lay out potential concerns over the challenges of staging certain aspects of the material. It is also a key opportunity for the director to lay out their artistic vision for the production, and potentially to address challenges related to content. These challenges will not all be solved on the first day of rehearsals, of course, but this does provide a useful opportunity to identify them, to begin a conversation, and to see how the rehearsal process might be adapted, and enough time given, to ensure they are productively addressed.

* *If the material has particularly difficult or challenging content (e.g., violence, racism, sexuality/intimacy), does the department have a standing process for addressing it?*

Many departments will not be strangers to performing content that has challenging, perhaps even graphic content dealing with matters of race, gender, sexuality, suicide, drug use, and other issues. Not all departments may have a consistent process for confronting such material, however, and it can be difficult for such wisdom to be institutionalized when students cycle through the program and directors and professional staff may only be hired on a per-show basis.

Some departments have gone so far as to create action plans for dealing with challenging content (see a sample of such an “action plan” in Section VIII), which can be continually adapted and updated as departments gain more experience and receive more feedback.

* *If concerns arise with the process or content, do students have an effective channel for registering their concerns?*

Ultimately, the production’s director will need to be informed of issues that may arise and will be integral in resolving them. However, performers may not initially feel comfortable registering concerns with the director (especially if the concerns have to do with the director themselves), or may simply want to get a second opinion from elsewhere. In these cases, an official channel may be helpful in designating someone to serve as a first point of contact. This could be another person on the production (such as the stage manager or dramaturg), a designated student advocate, or another person in the department. Given the ease with which the rehearsal process can become a “black box” to the rest of the program, a department may consider having a liaison not otherwise directly connected to the production so that it can be made aware of any problems that may develop.

* *To what extent can a work be adapted, or its creator consulted, in response to concerns that may be raised over its content?*

There are all sorts of answers to this question, depending on the work being produced. In some cases, departments may be producing a new work and benefit from having the creator involved in the production process to answer questions directly—a playwright who may be eager to work with cast members to resolve content-related concerns. Not all productions will have the luxury of such access, of course, and while some writers are famously “open-source” about the adaptability of their works, many others will be considerably less flexible, as is their right. Still, even if a creator does not assent to certain alterations in the work, they may be able to help contextualize concerns performers may have about its content.

You may be able to contact the writer through the play’s publisher or licensing agent, or through the Dramatists Guild.

* *Does the rehearsal process make room for discussion?*

Some productions may falter over concerns about content because performers may not feel there is an effective outlet for airing them, or that asking for time to discuss them will be seen as an inconvenience or distraction. Structuring time into rehearsals specifically so that performers can ask questions about the process or air concerns about content can help diffuse tension simply by ensuring that concerns have a place to be expressed. Treating these conversations not as something for which time must be made but as an integral and welcome part of the process can give those involved a greater sense of agency in the process and give production staff greater confidence that the most pressing questions are being addressed.

1. **Performance**

Making it to the opening curtain doesn’t lay concerns that arise during the rehearsal process to rest. What’s more, the presence of a live audience can bring complications of its own to a combustible situation. The live performances, also, however, bring new opportunities for engagement, and provide feedback that rehearsals can’t.

* *Are content warnings of any kind given before performances?*

Whether delivered in pre-show announcements or made clear in materials such as the performance’s program or lobby display, statements informing audience members of the presence of explicit or traumatic content in the work being performed, when the production feels they are appropriate, can be a useful measure. Such warnings, however, should not offer negative opinions or conclusions about the work but should, instead, provide objectively neutral information about the content to avoid stigmatizing it. The AAUP's guidance on trigger warnings can be a useful reference for this purpose: <https://www.aaup.org/report/trigger-warnings>

* *Is supporting dramaturgical material present for audience members to consider?*

Many productions use the lobby areas of their theatres (or other similar spaces) to display dramaturgical material which can give audience members insight into the content and themes of the play, the artistic vision of the production, or the history of the work being performed (including, potentially, controversies around its production).

* *Is the production prepared to remove audience members who disrupt performances?*

Fortunately, disruptions of this sort are rare, and most departments will likely never be confronted with one. Still, there are some things to be mindful of. First of all, there isn’t a uniform definition of what would constitute “disruption” in the context of a performance. Many pieces thrive on some degree of audience participation, and some actively encourage it. Many others (musicals, for instance) prompt spontaneous responses from audience members. Some breathing room needs to be left for such events. That being said, if a person or group of persons is actively disrupting a performance (through chants or heckling the actors, for instance) and will not cease this behavior, a plan for removing the audience members may be appropriate so that the performance may continue.

* *If certain content had worried performers from a performance perspective, is there an opportunity for the cast and production team to revisit them once the production has opened?*

It is common for directors to give actors notes following performances, but these post-show discussions can also be an opportunity for performers to give their own notes on the production, and to assess how the dynamics of performing difficult material is affected by playing to a live audience. Depending on how many performances a production has and how much time actors and staff have for discussion between performances, there may be room to tweak (or perhaps overhaul) certain elements.

1. **Post-production**

That a production ends doesn’t mean that it ceases to be a learning experience. A few steps taken after the end of the production can help ensure that the wisdom a department gains from a given production won’t be lost or forgotten.

* *Is a post-mortem discussion part of the department’s standard practice?*

Without the pressures of rehearsal and performance, and with the benefit of hindsight, it can be a useful exercise for the cast and crew to reconvene following the conclusion of the production, where they can assess their successes and failures from an emotional distance. Where the treatment of difficult content is concerned, here could be an opportunity to assess how the director and company communicated through the process, and what ideas might be put into practice in future productions.

* *Are the collected notes from the production put into a record that can be consulted later?*

Actors graduate, professional staff move on to other productions, and it’s easy for the wisdom collected in the course of a production to dissipate. A way to protect against this and to ready departments for future productions is to put the collected notes from post-mortem discussions and other important meetings into a kind of living archival record—one which could be regularly revisited and added to as a matter of practice. (Note: while making such a record can be beneficial to a department, it should make sure to protect student confidentiality.)

**VI.** **DEALING WITH CONTROVERSY:**

**A CHECKLIST FOR ADMINISTRATORS**

Controversy is not always predictable (or controllable) and can erupt over a broad range of content and at any one of the five stages of a theatrical production described above. Some plays have been produced with no objections for years, but the current political environment may make them controversial. Recognizing potential controversy should not automatically trigger self-censorship. On the contrary. Good theater is often good because it is controversial.

Nevertheless, it is always good practice to prepare for potential controversy and have a plan to manage it if it hits. To that end, think of what follows as a kind of *To Do List* distillation of the ideas and advice provided thus far.

1. **Preparing for Controversy**
* Do your research. If you do, you will be prepared to recognize potential controversy early on.
* Prepare everybody involved in a production to be comfortable talking about the controversial aspects of the show. This means promoting transparency and conversation with the entire team, involving everybody in preparing for possible problems ahead.
* Reach out to and work with the widest possible variety of stakeholders, from those within the production to the broader college community and even outside it. A theater production requires collaboration, which depends on building strong relationships.
* Lay the groundwork for responding to controversy internally, in advance, by engaging others in your vision and values.
* Use your knowledge and passion for a play to educate, persuade and convince stakeholders. Even if they never come to share your passion, you want them to understand and respect it.
* Learn to listen. Have reasonable expectations in leading student performers and audiences to places that they don’t want to go or wouldn’t imagine going. Rather than make assumptions about how people will react, listen to the people who may be opposing you.
* Be proactive. Know your campus community. Reach out to the parts of that community you think may have a problem with a play and ask questions. Listen to their answers and respond to their concerns. You can either bring people with you or allow them to drag you into conflicts.
* Get people involved early. A controversial play should not take people in your community by surprise, particularly those who are likely to be most affected by the work. If a play or musical engages in the stories of a particular community, be sure to engage representatives of that community on campus early on, even if you do not anticipate a negative reaction.
* Remember, even the most challenging material can be presented and framed in a way that disarms misgivings or even hostility. The goal isn’t to get students to like everything; rather, you want to get them to approach a work with as much of an open mind as possible.
* Hold programs that encourage the community to gather. Commit to creating an environment that can serve as a platform where people will engage the play and discuss the issues relevant to them.

1. **Responding to Controversy**
* **DO NOT PANIC**. Instead, make sure you take time to address the controversy in a considered way. Cancelling a production will not make a controversy disappear, it will only aggravate the situation and cast ongoing doubt over your selection and production process going forward.
* Be willing to talk to the opposition. Those who feel heard are more willing to listen.
* Gather claims and grievances so you can respond to them directly. Draft a statement that addresses the pertinent issues. Counter misunderstanding by clarifying your position and being transparent.
* Address the issues specifically and directly, rather than issuing general statements about freedom of speech and academic freedom. Make the point that “We are not the enemy.”
* Practice advocating for the play, be open and available, but don’t sound defensive. Don’t allow messages to turn personal. Usually, the controversy points to a broader political question; it is not a personal attack.
* Use the opportunity for real engagement. Organize platforms for debate; convene panels and public forums—forums which should be heavily moderated. Smaller meeting groups can help keep the conversation on track. Allow the art to create spaces for necessary conversations.
* If you have followed the recommended steps and yet you are still facing demands for cancellation, **DO NOT YIELD.**

When a university agrees to cancel an announced production (whether due to pressure coming from students, administrators, the campus community, corporate interests, or the general public), it is confirming to the world that such tactics work and are an appropriate response to academic freedom and the constitutional right of free expression.

The university is also communicating these values to its student body, including the next generation of theater makers, rendering them more vulnerable to censorious forces throughout their careers. As a former DG president once wrote, *“careful the things you say; children will listen*.” So it’s essential that cancellation NOT be viewed as an appropriate first step taken in response to a public outcry.

1. **Controversy Online**
* Do your research. Identify who is behind the online attacks and what their platform is.
* Actively listen to critics. Reach out to the organizers of the online criticism or petition, even if you do not intend to accede to any of their demands.
* Assume that anything you say can be made public, even if sent as a private message.
* Assure those complaining that you are considering their complaint.
* Be prepared to say what action you will be taking in response (often that action entails organizing a public event, but it could be more creative) and where you would draw the line (e.g., cancelling the play).
* Above all, if possible, take the controversy offline by organizing a face-to-face event where grievances can be aired and different positions heard.

**VII. CONCLUSION: The Freedom to Fail**

We hope that this document, the ***DLDF Toolkit***, will give those involved in creating theater on college campuses a useful guide to taking a theatrical work from its selection, to its performance, and through to its aftermath, while proactively addressing the various challenges that may arise along the way.

That expressed hope is different, however, from saying that this document can prevent any and all such challenges from arising in the first place. What might prove controversial in one production might pass by, unremarked on, in another. No two productions, or departments, or casts and crews, are the same, and all exist in their own unique ecosystems. The advice we offer might prove useful to one program but might be irrelevant to another, and programs may have their own hard-won wisdom to offer that we don’t cover here -- and if so, we’d love to hear from them.

There’s another reason why the guidance offered in this Toolkit shouldn’t be viewed as a universal panacea: Sometimes, in spite of the best efforts of everyone involved, a production fails, and sometimes it will do so in ways that cause offense and anger in the community. This happens when producing classics and new works alike, and it can happen at the highest levels of production.

This is to be expected. And it’s O.K.

Indeed, the willingness to court failure is fundamental to Theater’s purpose. Performance, even of supposedly “safe,” uncontroversial material, necessarily entails a degree of risk and vulnerability. Maintaining trust and cohesion within a production is hard work. These dynamics are tested further by material that forces those involved to consider difficult questions or confront unpleasant truths.

Programs stung by the controversies in recent years may feel inclined to shy away from producing more difficult and confrontational content as a result. We think this is the wrong approach, for multiple reasons.

First, it’s futile. Among the lessons we’ve taken from this project is that you can’t necessarily predict where problems might arise that require your proactive engagement. What’s more, the conscious decision to avoid anything potentially controversial can cause controversies of its own, putting you right back at square one.

Secondly, it goes against the function of the university. Universities are one of the few spaces in American life that are particularly dedicated to the free exchange of ideas, including the notion that ideas should not be suppressed merely because some might find them offensive or disrespectful. Theater is a particularly potent medium for conveying ideas, and to shy away from its capacity to provoke, upset, and stare down issues easier left unexamined leaves on the table crucial opportunities for engagement.

Programs should be alert to the challenges of producing difficult works, and realistic about their ability to do so, but they shouldn’t be afraid to exercise the positive power they have to provoke.

Finally, despite having seen a number of productions come undone, we don’t believe that means there is an appetite out there to start policing their content. We think that, if anything, the opposite is true.

Students *want* to use theater to confront the major challenges of our day, to broaden the range of perspectives seen on stage, and shake a sense of complacency from audiences and the community. Not all of the stakeholders in the process -- the students, the faculty, the administration -- will always see eye to eye on how best to accomplish this goal. That’s ok.

Hopefully the DLDF Toolkit can help them create opportunities for healthy discussion and disagreement bound by mutual respect, unified by their common understanding of the unique and vital role that live theater can play in their lives. “The show must go on!” is an old show biz aphorism and while it is, frankly, not true in every situation, opening night remains a goal for everyone to strive toward, even when significant changes in a university’s production process may be required.

**VIII. ADDITIONAL RESOURCES**

1. Sample action plan from Carnegie Mellon for dealing with challenging content:

\*For each production have an open and evolving “Community Agreement” list that each artist in the rehearsal process agrees with, commits, and contributes to.

\*If the production is an actual course in the university that there be a detailed course syllabus which includes an Anti-Racist statement, Intimacy Education and boundary practice guidelines.

\*That there be student representation in the play, musical and season selection process.

\*The respect and usage of artists pronouns.

\*Artists name clarification

\*If directors / choreographers are quests outside of the university’s community, that they have a clear understanding of the departments Diversity, Anti-Racist Ethos, Bias, Boundary Practice, and Intimacy training.

\*Suggested or mandatory community Talk Backs after each production.

1. American Association of University Professors (AAUP)’s 1940 [***Statement***](https://www.aaup.org/file/1940%20Statement.pdf)*of Principles on Academic Freedom and Tenure*
2. Dramatists Guild resources:
	1. [**Hotline**](https://www.dramatistsguild.com/dontchangethewords)to report infringements of dramatic works
	2. [**Form**](https://www.dramatistsguild.com/harassment#forms)to report harassment of or by DG members
	3. Business Affairs [**HelpDesk**](https://www.dramatistsguild.com/contract-reviews-and-business-advice-writers) for DG members and affiliated institutions
	4. BA [**article**](https://www.dramatistsguild.com/news/download-dilemma-educational-fair-use-digital-age): Educational “fair use”
	5. BA [**materials**](https://www.dramatistsguild.com/livestream) on Livestreaming
	6. BA [**statements**](https://www.dramatistsguild.com/inclusion) on diversity, equity and inclusion
	7. How to become an [**Affiliate Theater**](https://www.dramatistsguild.com/programs-for-theatres), a [**member**](https://www.dramatistsguild.com/join), or a [**subscriber**](https://www.dramatistsguild.com/the-dramatist-magazine)
3. Contact information for other participating groups:
	1. [**The Kennedy Center American College Theater Festival**](https://www.kennedy-center.org/contact/education-cs-form-page/)
	2. [**The Dramatists Legal Defense Fund**](http://www.thedldf.org)
	3. [**Foundation for Individual Rights in Education**](http://www.thefire.org)
	4. **[The National Coalition Against Censorship](http://www.ncac.org/)**
	5. [**PEN America**](https://pen.org/about-us/faq/)
4. Other relevant organizations
	1. [**Association for Theatre in Higher Education**](https://www.athe.org/)
	2. [**Educational Theatre Association**](https://www.athe.org/)
	3. [**The U.S. Copyright Office**](https://www.copyright.gov/)